

THE STATE OF NEW HAMPSHIRE
SUPREME COURT

DOCKET # _____

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APPEAL OF THOMAS F. DESTEPH

APPELLANT'S MOTION TO STAY

NOW COMES, the Appellant, **Thomas DeSteph, Pro Se**, and requests this Honorable Court, pursuant Supreme Court Rule 10 and 7-A, grant an immediate Stay of the Commissioner's order dated February 23, 2012 concerning the revocation of Mr. DeSteph's Producer License. In support of this request, the Appellant, Mr. DeSteph, says the following:

1. That on February 23, 2012, the Department of Insurance, State of New Hampshire (Department) revoked Mr. DeSteph's Producer License based on Collateral Estoppel by means of a decision in his Chapter 13 case determining whether or not a creditor could be discharged.
2. That Mr. DeSteph's income is derived solely on his license and that Mr. DeSteph is a single father of two minor children with sole custody and sole responsibility for his children; that his child support is only \$25.00¹ per month per child; has little to no liquid assets and has been put into a direct and real jeopardy of losing his home and only shelter for his children. Whereas the children have no other relative or option that could protect them from certain harm in their young lives.
3. Mr. DeSteph will suffer irreparable harm as a result of Department's order.
 - a. Whereas his clients will be left to care for themselves at a time when many are retiring after 33-plus years of dedicated service from Mr. DeSteph in which they are looking for advice and to implement or execute plans they have laid-out with Mr. DeSteph.
 - b. The strong close relationship with his clients can never be rekindled and would also cause

¹ In 2006, the NH-DCYF found that Ms. DeSteph neglected the party's minor children and Mr. DeSteph became the sole provided and caregiver through the Superior Court; in 2008, the children's mother, Tracy LaValley DeSteph lost her motor vehicle license after an arrest for DUI. In 2009, Ms. DeSteph was involved in an accident on route 101 in NH and was arrested for driving without a license,

collateral hardship as the retirement funding for Mr. DeSteph through 33 years of building residual commissions will be lost forever leaving Mr. DeSteph and his family devastated and without recourse.

- c. The Human side of this order and the effect it has on Mr. DeSteph's minor children in their young and fragile lives are debilitating and irreversible as it will ultimately trigger peer bulling and isolation occurring at such a delicate time in their adolescence.
4. This Honorable Court should take notice that Mr. DeSteph's **Due Process Rights** were violated as he was not properly noticed (*RSA 541-A:31*) in the Order to **Show Cause and Notice of Hearing** (*See Appellant Appendix pages 1-4*) that his ability to perform his duties as a Producer were being reviewed.
 - a. Page 11 of the Final Order or, more properly, page 16 of the Appellant's Appendix paragraph 4 says, *Mr. DeSteph testified that he had not read the court's decision thoroughly, stating that "I believe I read some of it." Frankly, this testimony was shocking and raises the question of Mr. DeSteph's competence to assist customers in reading insurance policies and other complex documents.*
5. In the final order, Jennifer Patterson concluded that because Mr. DeSteph testified he had not read the court's (*Bankruptcy*) decision thoroughly, he was somehow incompetent in his ability to read his clients insurance policies. This is absurd and an unethical act of irresponsibility by Patterson. The writings were malice in nature, and published only to cause as much pain, hardship and damage to Mr. DeSteph as possible; to cause hysteria within his client base.
6. Notwithstanding the collateral damage to his children, his public standing, military record and other sensitive areas of his life, Patterson does not examine whether or not Mr. DeSteph read only pertinent portions of the order; it does not look at if Mr. DeSteph relied on his lawyers to analyze the document as it pertains to the fact-finding hearing; nor does it say that the Department had

DUI and other violations. Ms. DeSteph is now disabled and Mr. DeSteph has sole responsibility of the Party's minor children.

already made all participants aware that the Department would not hear testimony on the Bankruptcy Decision; it just says he did not read the entire document thoroughly. These offensive writings and conclusions from a trained attorney and officer of the court are more characteristic of Criminal Defamation/Slander and should not be tolerated by this Court.

7. Jennifer Patterson's flagrant misconduct is more appalling knowing she knew or should have known of his outstanding record in his file at the Department. Mr. DeSteph's departmental record shows he passed a Department approved exam to obtain his license, completed the required training and education; had performed all of his continuous educational requirements and showed he was a producer for more than thirty-three years without protest or complaint; had assisted hundreds of clients with contracts and policies in life, health, disability, annuity and long-term care without even one minor grievance or criticism.
8. Since Mr. DeSteph was not noticed that his ability to assist clients with their policies was being reviewed, it violates his right to Due Process and his license should not have been revoked.

The Department will not suffer any prejudices if the order is stayed

9. Mr. DeSteph has been in business for 33-plus years as a producer and boasts a perfect record of not one complaint filed against him in the Department or any carrier he has submitted business; nor has Mr. DeSteph ever violated an insurance regulation in which the Department is responsible, has a criminal record or even one traffic violation on his record.
10. Mr. DeSteph has never violated the confidence or trust of his clients, carriers or the public.
11. Mr. DeSteph has always taken his license seriously, completing all educational requirements with over 1200 hours of continuous education, including 2012 requirements; completing law and ethics courses, tax related instruction, suitability instruction, Health Insurance Portability Accountability Act (HIPAA) training and updates, post 911 courses, money laundering and a host of others. And, has completed numerous instructional courses on specific product provisions, options and company policies for all his carriers.

12. The business failure that the Department basis its' findings happened more than nine years ago with no recurrence and never involved insurance or insurance regulations, insurance customers, carriers or even anyone in the State of New Hampshire.

WHEREFORE, the Plaintiff requests this Honorable Court:

- A. Grant a stay on the Commissioner's order dated February 23, 2012 while pending this appeal.
- B. Order the reinstatement of Mr. DeSteph's Producer License.
- C. Order other such relief that may be just and equitable.

Dated: April 16, 2012

Respectfully submitted,

By: 

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Plaintiff
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CERTIFICATION

I hereby certify that a copy of the foregoing has been forwarded this sixteenth day of April 2012, via first class mail, postage prepaid, to:

Commissioner
Department of Insurance
State of New Hampshire
21 Fruit Street
Concord, NH 03301

Office of the AG
State of New Hampshire
33 Capitol Street
Concord, NH 03301


Thomas DeSteph